



Ser. No. 09/574,637

RECEIVED

DEC 06 2002

TECHNOLOGY CENTER R3700

REMARKS

Claims 27, 29-32, 26-41, 43-48 and 51-55 are currently pending in the application. Claims 27, 36, and 41 are amended.

In paragraph 3 of the Office Action, the Examiner has rejected claim 36 of the application under 35 U.S.C. §112 for indefiniteness. Claim 36 has been amended to clarify that the tank is delivering a component capable of forming foam.

In paragraph 5 of the Office Action, the Examiner has rejected claims 27, 29, and 37 under 35 U.S.C. §102(b) as anticipated by Schaffler. Independent claim 27 has been amended in accordance with the disclosure throughout the present application's specification that the emergency response vehicle is intended for use for fire-fighting. The Schaffler patent only discloses an emergency response vehicle for use as a water cannon vehicle for use in response to mobs and rioters. This is evident in its disclosure at Column 1, lines 1-6. The disclosure of the Schaffler patent does not teach or otherwise suggest the use of an emergency response vehicle for use in fire-fighting situations, and sets forth that it has pivotable water jets arranged on the sides and roof for use in operations against such rioters (Column 1, lines 1-6). As a result it is believed that, as amended, independent claim 27 (and therefore its dependent claims 29 and 37) is in allowable form having avoided any grounds for rejection or objection.

In paragraph 6 of the Office Action, the Examiner has rejected claim 27 under 35 U.S.C. §102(b) as anticipated by Androsov et al. Claim 27 has been amended to indicate, as disclosed in the various figures of the present application (see for example Figs. 1a-c), that the side surfaces of the wedge-shaped nose are also "wedge-shaped" to aid in obstruction removal. The Examiner has cited Androsov et al., (for

which both the Examiner and Applicant have minimal disclosure). The figure cited by the Examiner as disclosing the wedge-shaped nose as set forth in original claim 27 appears to simply disclose a typical artillery style military tank shape comprising an angled top and bottom surface. Neither the Examiner nor the Applicant can infer from the drawings if there is any angling to the sides of the vehicle. Therefore, it is believed that claim 27, as amended, obviates the ground for rejection.

In paragraph 8 of the Office Action the Examiner has rejected claims 27, 39, and 40 under 35 U.S.C. §103(a) as obvious over Veath, Sr. Applicant respectfully traverses the rejections. Veath, Sr. discloses a vehicle for applying and spreading surface coating material on roadway surfaces (Column 1, lines 6-10). The Examiner has broadly stated that the vehicle may be used in "emergency situations", however the Applicant could find no teaching or suggestion within the disclosure of the patent that the vehicle was disclosed as intended for use in emergency situations, nor could the Applicant find any teaching or suggestion that the vehicle could be used in fire-fighting applications. Without any such teaching or suggestion, there is no reason for combination, as suggested by the Examiner, of the surface coating device of Veath, Sr. with the use of a wedge-shaped nose as found in the present application. The specification of the current application specifically indicates that the wedge-shaped nose has a particular function, *i.e.*, for maneuvering through brush, etc., (page 17, lines 5-7) contrary to the suggestion of the Examiner that there was no such disclosure. As a result, it is believed that the grounds for rejection have been traversed with respect to independent claim 27 and its dependent claims 39 and 40.

In paragraph 9 of the Office Action, the Examiner rejected Claim 30 under 35 U.S.C. §103(a) as obvious over Schaffler in view of Bolton et al. The Applicant respectfully traverses the rejection. Claim 30 depends from newly amended claim 27, setting forth a fire-fighting emergency response vehicle. As discussed above with respect to Schaffler, Schaffler is directed to a water cannon, not a fire-fighting

vehicle. Bolton et al. teach only fire resistant windows, not fire-fighting vehicles. There is no teaching or suggestion in either the Schaffler or Bolton et al. patents to combine a water cannon vehicle with a fire resistant window to comprise a fire-fighting emergency response vehicle with fire resistant windows.

In paragraph 10 of the Office Action, the Examiner rejected Claim 31 under 35 U.S.C. §103(a) as obvious over Schaffler in view of Atkins. Applicant respectfully traverses the rejection as claim 31 depends from newly amended claim 27 directed to a fire fighting emergency response vehicle. As with the rejection of paragraph 9, there is no additional teaching or suggestion in Atkins to combine it with the art of Schaffler to provide a fire-fighting vehicle.

In paragraph 11 of the Office Action, the Examiner rejected Claim 32 under 35 U.S.C. §103(a) as obvious over Schaffler. As discussed throughout this Remarks section, the fire-fighting emergency response vehicle of the claims of the present application is not taught or suggested by the disclosure of Schaffler.

In paragraphs 12 & 13 of the Office Action, the Examiner rejected claim 36 and 38 under 35 U.S.C. §103(a) as obvious over Androsov et al. in view of Carrier. As discussed in this Remarks section addressing Office Action paragraph 6, claim 27 (from which claim 36 depends) as newly amended sets forth a wedge-shaped nose area not disclosed in Androsov et al. Therefore, it is believed that the grounds for rejection have been obviated.

In paragraph 14 of the Office Action, the Examiner rejected claims 41, 43, 46, 47, and 51 under 35 U.S.C. §103(a) as obvious over Veath, Sr. Independent claim 41, from which claims 43, 46, 47, and 51 depend, has been amended to reflect that the vehicle of the invention is a fire-fighting emergency response vehicle. Veath, Sr. discloses a vehicle for applying and spreading surface coating material to

road way surfaces and does not disclose any emergency applications whatsoever. Further, the vehicle in the Veath, Sr. patent is used for coating a roadway, certainly a dissimilar activity requiring dissimilar spraying/coating actions in comparison with the present application such that application of the teachings of Veath, Sr. would not be obvious to one skilled in the art. Therefore, it is believed that the grounds for rejection have been obviated.

In paragraph 15 of the Office Action, the Examiner rejected claim 44 under 35 U.S.C. §103(a) as obvious over Veath, Sr. in view of Bolton et al. As discussed in the Remarks to paragraph 14, Veath, Sr. does not disclose an emergency vehicle of any kind. Bolton et al. simply discloses fire resistant glass. There is no teaching or suggestion in either disclosure to arrive at the fire-fighting emergency response vehicle of the present claims.

In paragraph 16 of the Office Action, the Examiner rejected claim 45 under 35 U.S.C. §103(a) as obvious over Veath, Sr. in view of Atkins. As with the rejection of paragraph 15 discussed above, there is no teaching or suggestion of combination of Veath, Sr. with Atkins to disclose the fire-fighting emergency response vehicle of the present claims.

In paragraph 17 of the Office Action, the Examiner rejected claim 48 under 35 U.S.C. §103(a) as obvious over Veath, Sr. in view of Arnold. As with the rejection of paragraph 15 discussed above, there is no teaching or suggestion of combination of Veath, Sr. with Arnold to disclose the fire-fighting emergency response vehicle of the present claims.

In paragraph 18 of the Office Action, the Examiner rejected claim 52 under 35 U.S.C. §103(a) as obvious over Veath, Sr. in view of Schaffler. As with the rejection of paragraph 15 discussed above, there

is no teaching or suggestion of combination of Veath, Sr. with Schaffler to disclose the fire-fighting emergency response vehicle of the present claims.

In paragraph 19 of the Office Action, the Examiner rejected claim 53 under 35 U.S.C. §103(a) as obvious over Veath, Sr. in view of Star. As with the rejection of paragraph 15 discussed above, there is no teaching or suggestion of combination of Veath, Sr. with Star to disclose the fire-fighting emergency response vehicle of the present claims.

In paragraph 20 of the Office Action, the Examiner rejected claim 52 under 35 U.S.C. §103(a) as obvious over Veath, Sr. in view of Willard, Jr. As with the rejection of paragraph 15 discussed above, there is no teaching or suggestion of combination of Veath, Sr. with Willard, Jr. to disclose the fire-fighting emergency response vehicle of the present claims.

In paragraph 21 of the Office Action, the Examiner rejected claim 52 under 35 U.S.C. §103(a) as obvious over Veath, Sr. in view of Matsushita. As with the rejection of paragraph 15 discussed above, there is no teaching or suggestion of combination of Veath, Sr. with Matsushita to disclose the fire-fighting emergency response vehicle of the present claims.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, he is cordially invited to telephone the undersigned attorney for Applicant, collect, at the telephone number listed below.

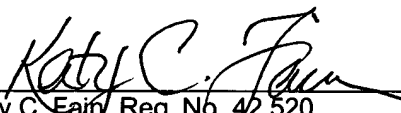
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached paper is captioned "**Version with Markings to Show Changes Made.**"

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes.

Respectfully submitted,

Dated: November 25, 2002

By:


Katy C. Fair, Reg. No. 42,520
Direct line (505) 998-1505

PEACOCK, MYERS & ADAMS, P.C.
Attorneys for Applicant(s)
P.O. BOX 26927
Albuquerque, New Mexico 87125-6927

Telephone: (505) 998-1500
Facsimile: (505) 243-2542
Customer No. 005179

[\\JDM\DOCS\AMDS\Firestrike.OARES2.doc]

Version with Markings to Show Changes Made

In the Claims:

Please amend the claims as follows:

27. (Amended) An fire-fighting emergency response vehicle, said vehicle comprising:
a wedge-shaped nose, wherein said wedge-shaped nose further comprises a top surface,
a bottom surface, and at least two side surfaces and wherein such top, bottom, and at least two side
surfaces are angled to comprise said wedge-shaped nose;
at least one emergency response fluid delivery tank; and
an engine.
36. (Amended) The vehicle of claim 27 wherein said tank is capable of delivering a
component capable of forming fire-suppressing foam and wherein said tank is capable of comprising a
volume of at least approximately 34,000 liters of fire-suppressing foam.
41. (Amended) An fire-fighting emergency response vehicle, said vehicle comprising:
a triangular wheel base;
at least one emergency response fluid delivery tank; and
an engine.